

The Officer-Involved Shooting
Investigation Regarding
Jamee Johnson
December 14, 2019



State Attorney's Office
Fourth Judicial Circuit of Florida
Duval County

July 6, 2020

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I. EXECUTIVE SUMMARY

This officer-involved shooting took place at approximately 5:00 p.m. on December 14, 2019. On this date, Jacksonville Sheriff's Office ("JSO") Officer Josue Garriga ("Officer Garriga") was deployed as part of a JSO initiative aimed at reducing violent crime.¹ While working on this deployment initiative, Officer Garriga conducted a traffic stop of Jamee Johnson ("Johnson") for driving without a seatbelt, a violation of Florida Statute section 316.614(4).

After pulling Johnson over, Officer Garriga observed a strong odor of marijuana coming from Johnson's car. Officer Garriga immediately noted that Johnson was nervous and making furtive movements. Officer Garriga asked Johnson to stop moving erratically and provide him with his identification. An inquiry pursuant to the traffic stop followed. Officer Garriga asked whether Johnson had "anything" in his car, a routine question aimed at both officer safety and crime intervention. When Johnson offered that he had a firearm in the car, Officer Garriga asked Johnson to step out of his car.

As Johnson stepped out of his car, Officer Garriga noted that Johnson had marijuana flakes on his shirt. Officer Garriga posed a series of questions to Johnson regarding the smell of marijuana and the marijuana flakes on his shirt. Johnson explained that the flakes were hemp. Officer Garriga next questioned Johnson about the firearm in the car. Johnson admitted that he did not have a concealed weapons permit and further explained that the firearm was not secured as required by law.² Officer Garriga asked that Johnson sit in the back of his patrol car while he obtained Johnson's receipt for the firearm.³

Inexplicably, and for reasons we can only speculate, Johnson shoved Officer Garriga in the chest and jumped headfirst into his car toward the very gun he had just described to Officer Garriga. Officer Garriga dove after Johnson to prevent him from accessing the gun. During the struggle, Johnson placed the car in drive and crashed through a fence into a nearby yard, dragging Officer Garriga along the way. While Officer Garriga was inside the car struggling with Johnson, the struggle turned deadly when Johnson grasped his gun and lifted the gun toward Officer Garriga's face. Officer Garriga immediately tried to hide behind Johnson's head, to avoid being shot. Officer Garriga pushed himself out of the car and, believing Johnson was armed, fired until

¹ The purpose of this violence reduction strategy was to interdict crime gun and drug offenses.

² An unlicensed individual who carries a concealed firearm on or about his or her person commits a third degree felony. § 790.01(2), Fla. Stat. (2019).

³ An investigatory detention is lawful if the law enforcement officer encounters an individual "under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit" a crime. § 901.151, Fla. Stat. (2019). More than the requisite reasonable suspicion required to detain, Officer Garriga had probable cause to arrest Johnson for the unlicensed carrying of a concealed firearm. A search incident to a lawful arrest can precede the arrest so long as the officer, prior to the search, has "knowledge of sufficient facts to establish probable cause to arrest a defendant." *State v. Brookins*, 290 So. 3d 1100, 1104 (Fla. 2d DCA 2020) (citing *Baggett v. State*, 562 So. 2d 359, 361 (Fla. 2d DCA 1990)).

Johnson no longer posed a threat. Johnson suffered multiple gunshot wounds and fell to the ground outside the car.

Officer Garriga contemporaneously, and without time for reflection, told his backup officer, Officer Kristopher Graham, that Johnson “tried to grab his gun on me.”⁴ Johnson immediately responded, “I’m ready to give up.” Officer Garriga yelled at Johnson: “Don’t grab the gun.” Johnson immediately responded, “My hands are off it.” Officer Garriga and Officer Graham commanded Johnson not to move and continued to yell at Johnson, asking where the gun was located. Johnson replied, “It’s in the car...” Johnson’s admissions corroborated Officer Garriga’s recount that he was fighting Johnson for the gun.

Johnson suffered the following four gunshot wounds during the incident: a gunshot wound to the left side of the chest; a gunshot wound to the left side of the back; a gunshot wound on the posterior aspect of the right elbow; and a gunshot wound on the anterior and lateral aspects of the right hip. Johnson was transported to the hospital where he died in surgery from his wounds. The two gunshot wounds to the torso caused Johnson’s death.

After thorough investigation, this Office renders the legal opinion that Officer Garriga’s actions were lawful and justified as defined in applicable Florida law. We reached this opinion after a comprehensive review of the evidence and the consultation of an independent expert in the field of policing, including the use of force, police tactics, body-worn camera usage, and industry practices and standards. This report outlines the basis for that opinion.

II. THE STATE ATTORNEY’S ROLE IN OFFICER-INVOLVED SHOOTINGS

Melissa W. Nelson assumed the office of the State Attorney for the Fourth Judicial Circuit (the “Office”) on January 3, 2017. Under the Florida Constitution, she is the chief state law enforcement official in the circuit, which covers Duval, Clay, and Nassau Counties. The State Attorney has no administrative authority or control over the personnel of the county sheriffs’ offices or other policing departments within the jurisdiction. But, the State Attorney is a state official and, therefore, does not answer to the municipal or county governments within the judicial circuit, including the county sheriffs and other policing departments. The authority and control of our municipal and county policing agencies reside with each municipal or county government.

Indeed, the American Bar Association’s Criminal Justice Standards specifically note, “The prosecutor generally serves the public and not any particular government agency, law

⁴ Officer Garriga’s statement—an excited utterance—was inherently reliable given the circumstances. Under Florida law, an excited utterance is a hearsay exception that relates “to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.” § 90.803(2), Fla. Stat. (2019). The “rationale for this exception is that a statement made during a period of excitement is likely to be more reliable than a statement made after a period of reflection.” *Lopez v. State*, 888 So. 2d 693, 696 (Fla. 1st DCA 2004).

enforcement officer or unit, witness or victim. When investigating or prosecuting a criminal matter, the prosecutor does not represent law enforcement personnel who have worked on the matter and such law enforcement personnel are not the prosecutor's clients." American Bar Association Criminal Justice Standards for the Prosecution Function, Std. 3-1.1 (4th Ed. 2017).

This Office strives to maintain that independence.

By history and custom, law enforcement agencies and departments in this circuit have called upon the State Attorney's Office to independently investigate officer-involved shootings. That review is independent of the actual investigation and is designed to treat officer-involved shootings with the serious, objective, and independent review necessary when any human life is taken, particularly when law enforcement officers are involved.

III. THE NATIONAL CONTEXT OF OFFICER-INVOLVED SHOOTINGS

Current research shows that over the past few years, law enforcement officers use force resulting in death about 1,000 times per year.⁵ Police shootings have become increasingly visible on a nationwide scale.

Improvements and advancements in technology like smart phones, inexpensive surveillance equipment, mounted-car cameras, and officer-worn body cameras provide real-time depictions of law-enforcement officers using force when apprehending and interacting with suspects. With the echoing effects of social media, images of these events have become all too prevalent, affecting the full spectrum of our nation's communities, from big, urban cities to small, rural towns. Uses of deadly force have quickly become national media events, have fostered heightened civil unrest, and have garnered significant civil protest and debate.

Against this backdrop, while police work has become increasingly public, police work also has become increasingly more dangerous. The number of law enforcement officers injured or killed in the line of duty continues to increase. According to the FBI's National Press Office, 48 law enforcement officers died from injuries incurred in the line of duty during felonious incidents in 2019.⁶ As of June 18, 2020, 27 officers have been feloniously killed in 2020, an increase from 21 officers in the same time period for 2019.⁷

Policing work is dangerous. Our courts have long recognized this reality and are extremely reluctant to substitute hindsight for on-the-spot, split-second decisions made by

⁵ John Sullivan, *Number of Fatal Shootings by Police is Nearly Identical to Last Year*, Wash. Post, July 1, 2017, http://www.washingtonpost.com/investigations/number-of-fatal-shootings-by-police-is-nearly-identical-to-last-year/2017/07/01/98726cc6-5b5f-11e7-9fc6-c7ef4bc58d13_story.html?utm_term=.c5050ed48e85.

⁶ FBI Releases 2019 Statistics on Law Enforcement Officers Killed in the Line of Duty, FBI National Press Office, Wash. D.C., May 4, 2020, <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2019-statistics-on-law-enforcement-officers-killed-in-the-line-of-duty>.

⁷ Law Enforcement Officers Killed and Assaulted (LEOKA) Program, <https://www.fbi.gov/services/cjis/ucr/leoka>.

officers in the line of duty. “[The Constitution] does not require a police officer to wait until a suspect shoots to confirm that a serious threat of harm exists . . . And no court can expect any human being to remain passive in the face of an active threat on his or her life.” *Elliott v. Leavitt*, 99 F.3d 640, 643 (4th Cir. 1996). Put differently, “[t]he Constitution simply does not require police to gamble with their lives in the face of a serious threat of harm.” *Id.* at 641. The United States Supreme Court has similarly counseled that “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Graham v. Connor*, 490 U.S. 386, 396 (1989). Officers need not be absolutely sure, however, of the nature of the threat or the suspect’s intent to cause them harm—“the Constitution does not require that certitude precede the act of self-protection.” *Elliott*, 99 F.3d at 644.

Thus, when we review officer-involved deaths, this Office must consider all of the evidence and decide whether the split-second judgment and decision of a particular police officer, usually operating under a tense, uncertain, and rapidly evolving situation, was justified under the law or crossed the line into criminal behavior. The role this Office plays has nothing to do with law-making or policy-making. We do not craft the law or oversee police tactics and operations. Instead, this Office is charged with reviewing the facts of each particular case to determine compliance or noncompliance with the laws enacted by the people’s representatives in Tallahassee and the provisions of our state and federal Constitutions. We also must weigh facts in light of what the subject officer knew at the time he or she shot—not in light of what months of investigation has revealed.

IV. THE PROCESS EMPLOYED BY THE STATE ATTORNEY’S OFFICE

Local prosecutors’ offices around the country have employed a number of localized responses to investigate and review officer-involved death cases. Following much study and review of how other offices around the country respond to these matters, as well as review of current best practices, the State Attorney has established a team of experienced prosecutors and investigators to respond to, review, and evaluate every officer-involved incident in this circuit (the “OIS Review Team” or “Team”). The OIS Review Team captures the best talent and insights of many of the most experienced prosecutors and investigators in the Office. In addition to the significant homicide experience each team member possesses, a number of Team members have unique experiences investigating officer-involved shootings and participating in the investigation and prosecution of federal civil rights offenses. Additionally, the Division Chief of the Office’s Human Rights Division is an integral part of the Team.

In terms of day-to-day functioning, the prosecutors and investigators on the Team take part in a rotating schedule and are available to respond to any officer-involved incident in the circuit. When an officer-involved incident takes place, a prosecutor on the team is contacted by

the investigating law enforcement agency (either FDLE or JSO). That prosecutor becomes the primary prosecutor in charge of ensuring the integrity of the investigation and is charged with making initial contact with investigators on the scene, reviewing the scene, ensuring all appropriate evidence is collected and processed, and conducting whatever interviews and taking whatever witness statements are necessary. That prosecutor can request additional investigative assistance from one or more investigators on the team, if needed.

Although the State Attorney's investigative resources do not permit the State Attorney to conduct full-blown scene investigations, Florida law provides the State Attorney with extremely broad investigative subpoena powers. Section 27.04, Florida Statutes, grants the State Attorney all of the mandatory process of the Courts of this circuit to command persons throughout the state to appear and provide testimony in these matters. Thus, while the function of the State Attorney is not to conduct the primary investigation into officer-involved shootings, the State Attorney is an independent Constitutional officer who functions separate and apart from law enforcement agencies conducting these investigations. Unlike the law enforcement agencies, the State Attorney has subpoena powers and can subpoena testimony and records that the investigating agencies cannot.

Once the investigating agency completes its investigation, the assigned prosecutor and investigator receive final reports from the investigating agency. The Assistant State Attorney then conducts an analysis of the OIS incident and prepares a draft report memorializing the investigation and analyzing the relevant law. The team-review serves as one additional check and balance to ensure that the investigation is thorough, and the conclusions reached are sound in light of the facts and the applicable law. The entire OIS Review Team then makes a non-binding recommendation to the State Attorney, who has ultimate authority to issue our Office's opinion on the matter.

Once a report like this is issued, the investigating agency has reviewed the matter, an experienced prosecutor and investigator have reviewed the matter, a full team of experienced prosecutors and investigators have reviewed the matter, and the elected State Attorney has reviewed the matter. These multiple levels of review highlight the importance this Office attaches to making sure the opinions we render in these cases are thorough, correct, sound, and reliable.

The Office also seeks to ensure that its conclusions and reasoning related to OIS reviews are transparent. To this end, we have prepared this comprehensive report available to the public.

V. FLORIDA USE OF FORCE LAW

A number of Florida statutes address the use of force generally and by law enforcement officers acting in the course and scope of their official duties specifically. Some of these are not relevant to the investigation. Accordingly, these will not be discussed in any detail. However, a

white paper, *Authorized Use of Force by Law Enforcement Officers in Florida*, attached as Exhibit A, more fully outlines Florida's Use of Force laws.

A. Justification Generally

While the use of force to defend oneself is often referred to as "self-defense," the appropriate legal term is "justification." Accordingly, the question this Office must answer in any officer-involved shooting is whether the use of deadly force was justified under the law.

Section 782.02, Florida Statutes, states, "The use of deadly force is justifiable when a person is resisting any attempt to murder such person or to commit any felony upon him or her." § 782.02, Fla. Stat. (2019). Similarly, Section 776.012 Florida Statutes, permits the use of deadly force when a person "reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony."⁸

When considering whether the use of force was justifiable, the law does not require the danger be real, just that the danger appeared so. "Whether [a person] was justified in the use of deadly force, you must consider the circumstances by which he or she was surrounded at the time the force was used. The danger need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, [the person] must have actually believed that the danger was real." Fla. Std. Jury Instr. (Crim.) 3.6(f) (2019).

These principles of justification apply to any case. Florida law, however, provides additional justification to law enforcement officers.

B. Justification for Law Enforcement Officers

Law enforcement officers are specifically permitted to use force, including deadly force, in two primary areas, making arrests and preventing escapes. Section 776.05, Florida Statutes governs the use of force by law enforcement officers when making an arrest. A law enforcement officer need not retreat or desist from making an arrest simply because a person resists or threatens to resist the arrest. Namely, a law enforcement officer is justified in using any force:

- (1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;

⁸ Forcible felonies are "treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual." § 776.08, Fla. Stat. (2019).

- (2) When necessarily committed in retaking felons who have escaped; or
- (3) When necessarily committed in arresting felons fleeing from justice.⁹

§ 776.05, Fla. Stat. (2019).

Overarching Section 776.05 is the principle that, to be justified, force must be reasonably necessary under the particular circumstances of the case.

VI. THE FACTS OF THE CRITICAL INCIDENT INVOLVING JAMEE JOHNSON

The officer-involved shooting of Jamee Johnson (“Johnson”) took place on December 14, 2019. On that date, Officer Garriga used his JSO-issued pistol to shoot Johnson. Johnson sustained four gunshot wounds and died as a result of two gunshot wounds to the torso. At the time of the shooting, the responding prosecutor from this Office was Assistant State Attorney Mark Caliel.

Our evaluation has been comprehensive. It has included eyewitness interviews, review of the involved officer’s written statement, review of the Medical Examiner’s findings, review of body-worn camera footage, review of all available police reports surrounding the shooting, and consultation with an expert in policing and police practices. The key facts and circumstances of the shooting and evidence we have reviewed are detailed below.

A. Jamee Johnson’s Background and History

At the time of the shooting, Johnson was 22 years old. He stood 5’11” tall and weighed 156 pounds. Johnson had no prior criminal history.

B. Officer Garriga’s Background and History

Officer Garriga has been employed as a police officer with the Jacksonville Sheriff’s Office (“JSO”) since July 16, 2018. He was assigned to the Community Problem Response Unit. This was his first officer-involved shooting while employed with JSO. Officer Garriga was previously involved in an officer-involved shooting while working as a law enforcement officer in Putnam County. The previous shooting was deemed justifiable following an independent investigation by the Florida Department of Law Enforcement (“FDLE”). A copy of FDLE’s investigation has been reviewed and has been included in the State Attorney casefile.

⁹ In *Tennessee v. Garner*, the United States Supreme Court addressed the use of deadly force against a fleeing felon. The Court noted that “[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force.” *Tennessee v. Garner*, 471 U.S. 1, 11 (1985).

C. Overall Summary

The shooting occurred after Johnson resisted a lawful detention and dove into his car toward an illegally concealed gun. Officer Garriga dove after Johnson to prevent him from accessing the gun. During the struggle, Johnson placed the car in drive and crashed through a fence into a nearby yard, dragging Officer Garriga along the way. While Officer Garriga was inside the car struggling with Johnson, the struggle turned deadly when Johnson grasped his gun and lifted the gun toward Officer Garriga's face. Officer Garriga immediately tried to hide behind Johnson's head, to avoid being shot. Officer Garriga pushed himself out of the car and, believing Johnson was armed, fired until Johnson no longer posed a threat.

D. JSO Crime Reduction Strategy

On December 14, 2019, JSO was conducting a violent crime reduction strategy in the area of 21st Street and Buckman Street in Jacksonville, Florida. On that evening, Officer Garriga had been deployed as part of this JSO initiative, aimed at reducing violent crime in an area that had been plagued by violence, shootings, and homicides.¹⁰

E. Traffic Stop and Attempted Detention of Jamee Johnson

1. Request to Exit Car

At approximately 5:00 p.m., Officer Garriga conducted a lawful traffic stop on a dark blue 2016 Mazda 6 driven by Johnson in the 3000 block of Buckman Street. The initial interaction between Officer Garriga and Johnson was captured on Officer Garriga's AXON body-worn camera ("BWC"). Officer Garriga approached the car and told Johnson he observed him driving without a seatbelt.

While approaching Johnson's car and during Officer Garriga's direct interaction with Johnson, Officer Garriga observed Johnson acting nervously and reaching and moving about the car. Johnson was, at times, unresponsive to Officer Garriga's requests. Officer Garriga was at all times professional during his encounter with Johnson. When Officer Garriga asked Johnson if he had anything inside the car, Johnson said he had a firearm. After being advised by Johnson that he had a firearm in the car, Officer Garriga asked Johnson to step out of the car.

As Johnson stepped out of the car, Officer Garriga noticed marijuana flakes on Johnson's shirt and smelled an odor of marijuana coming from Johnson, who quickly denied having used marijuana and claimed to have instead been smoking hemp. Officer Garriga next questioned Johnson about the firearm. Johnson stated he had a Glock 26 concealed inside his jacket, while motioning to a jacket on the floorboard, near the passenger's seat of the car.

¹⁰ JSO Crime Analysts have reported that between June 1, 2019 and December 14, 2019, there were 48 incidents of violent crime within a one-mile radius of 3010 Buckman Street. These figures include offenses of aggravated battery (38), homicide/murder (1), robbery (8), and sexual battery (1).

Officer Garriga requested consent to search the car, which Johnson denied. Officer Garriga explained that he would be searching the car based upon the location of the firearm and the presence and odor of marijuana. Officer Garriga told Johnson that he would be placing him in the backseat of his patrol car while he searched the car to secure the firearm. Officer Garriga calmly ordered Johnson to move away from the car. Johnson refused to follow Officer Garriga's commands to walk toward Officer Garriga's patrol car. During this interaction, Johnson began typing something unknown on his iPhone.¹¹

An investigatory detention is lawful if the law enforcement officer encounters an individual "under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit" a crime. § 901.151, Fla. Stat. (2019). More than the requisite reasonable suspicion required to detain, Officer Garriga had probable cause to arrest Johnson for the unlicensed carrying of a concealed firearm.

2. Legal Basis for the Search

The legality of Officer Garriga's intended search of Johnson's car is not relevant to the question of whether Officer Garriga was authorized to use deadly force. Nonetheless, Officer Garriga's plan to search Johnson's car was lawful. At the time of the intended search, Officer Garriga was aware that Johnson had a concealed gun in the car without a concealed weapons permit.

3. Search Incident to Arrest

When Officer Garriga advised Johnson that he would be searching the car, Officer Garriga was authorized to conduct the search. Officer Garriga's attempt to escort Johnson away from the car in order to conduct a search was lawful, even though Johnson was not under arrest and was simply in the process of being detained. In Florida, a search incident to a lawful arrest can precede the arrest so long as the officer, prior to the search, has "knowledge of sufficient facts to establish probable cause to arrest a defendant." *State v. Brookins*, 290 So. 3d 1100, 1104 (Fla. 2d DCA 2020) (citing *Baggett v. State*, 562 So. 2d 359, 361 (Fla. 2d DCA 1990)).

F. The Shooting

As Officer Garriga began to escort Johnson to his patrol car, Johnson grabbed his identification and quickly broke away from Officer Garriga's grasp. Johnson shoved Officer Garriga in the chest and dove headfirst into his car toward the firearm.¹² Officer Garriga immediately pursued Johnson in an effort to separate him from the firearm. According to Officer Garriga's written statement, Johnson began digging through his jacket in an attempt to grab his

¹¹ The BWC does not show what Johnson was typing. Attempts to access Johnson's phone activity were made. The attempts were unsuccessful because Johnson was using a password-protected iPhone.

¹² Johnson shoved Officer Garriga so forcefully that it dislodged Officer Garriga's BWC, immediately rendering the camera inoperable.

firearm but briefly stopped, reached back, and placed the car in drive. As the car began to move forward, Johnson reached toward his jacket and placed his right hand around the handle of his firearm. The car crashed through a fence, placing Officer Garriga's life in danger. Even as the car crashed, Officer Garriga was hanging out of the car in an effort to apprehend Johnson.

Johnson began to lift the firearm in the direction of Officer Garriga's face. In fear of being shot in the face or upper torso, Officer Garriga tried to hide his face behind Johnson's head. Officer Garriga attempted to remove his service firearm from the holster, but it was stuck between Johnson's body and the driver's seat. During the physical struggle, Johnson was still holding his own firearm. Officer Garriga grabbed Johnson's right wrist and pushed himself out of the car. Fearing for his life—and believing that Johnson was an armed and lethal threat—Officer Garriga shot Johnson. Johnson ended up outside of the car and fell to the ground immediately outside the driver's side door.

This series of events was rapid and dynamic, and in fact lasted roughly 30 seconds from the time Johnson shoved Officer Garriga to the time shots were fired.

Officer Kristopher Graham ("Officer Graham") was also present during Officer Garriga's interaction with Johnson, having arrived earlier to assist with the traffic stop. Officer Graham, also wearing a BWC, observed the interaction between Officer Garriga and Johnson. When Johnson and Officer Garriga entered Johnson's car, Officer Graham attempted to help Officer Garriga remove Johnson from the car. Despite the Officers' attempt to separate Johnson from the car and the firearm, Johnson was able to start the car, place his foot on the gas pedal, and accelerate the car. Unlike Officer Garriga, Officer Graham was able to avoid being dragged by the car. Seeing Officer Garriga being dragged by Johnson, Officer Graham immediately called for assistance, ran to the passenger side of the car after the car crashed, and attempted to enter the car. The passenger side doors were locked and Officer Graham was unable to get inside. As Officer Graham attempted to break the car window, Officer Garriga began to shoot.

Officer Graham's BWC recorded the encounter. Officer Graham's BWC footage shows Officer Garriga backing away from the open door of Johnson's car while simultaneously firing shots, which can be heard on the BWC. Johnson was shot and fell to the ground near the doorway of his car. After the shooting, Officer Garriga and Officer Graham—not knowing where the gun was—stood with their guns drawn. Officer Garriga and Officer Graham waited for backup officers to arrive in order to safely detain Johnson and render medical aid.¹³ During these moments, Officer Garriga and Johnson both made important evidentiary statements that were captured on BWC.

¹³ As Seth Stoughton, expert in police tactics, has explained, "[o]fficers must first stabilize and secure the scene to prevent additional harm and then render what can be life-saving aid to injured individuals."

Officer Garriga immediately yelled, “He tried to grab his gun on me.” Johnson quickly responded, “I’m ready to give up.” Officer Garriga yelled at Johnson: “Don’t grab the gun.” Johnson immediately responded, “My hands are off it.” Officer Garriga and Officer Graham commanded Johnson not to move and continued to yell at Johnson, asking where the gun was located. Johnson replied, “It’s in the car...” While awaiting backup units to secure Johnson and the scene, Officer Garriga and Officer Graham called for rescue. When additional police officers arrived, they immediately detained Johnson and began life-saving measures.

Johnson was transported to the hospital by rescue where he died from his injuries.

G. Body-Worn Camera Footage

Officer Garriga and Officer Graham were both wearing AXON body cameras¹⁴ during the critical encounter with Johnson.¹⁵ Officer Garriga’s BWC footage captured the stop and initial interaction between him and Johnson. When Johnson pushed against Officer Garriga’s chest and dove into the car, he dislodged Officer Garriga’s body camera. As a result, Officer Garriga’s BWC footage stopped recording roughly five minutes into the traffic stop. Officer Graham’s BWC captured what happened before and after Johnson dislodged Officer Garriga’s body camera.

The BWC footage, attached as Exhibit B, captured the traffic stop, the events leading up to the shooting, the shooting, and the events that followed. While all statements surrounding the shooting were captured on BWC and reviewed as part of the investigation, the statements immediately following the shooting were particularly relevant to the legal analysis. Immediately after the shooting, Officer Garriga shouted, “He tried to grab his gun on me.” Johnson immediately replied, “I’m ready to give up.” Officer Garriga ordered Johnson, “Don’t grab that gun,” at which point Johnson quickly replied, “My hands are off it.” As Officer Garriga and Officer Graham repeatedly questioned Johnson about the location of his gun, Johnson told the officers that his gun was in the car.¹⁶

H. JSO Scene Investigation and Physical Evidence

The evidence in this case included the following and has been reviewed in the course of our independent investigation:

- On-view observations of the scene on the night of the shooting;
- BWC footage of the shooting and BWC footage of investigative canvass interviews;

¹⁴ AXON body cameras have a 30 second “pre-event buffer” feature, which captures all video 30 seconds before the camera is turned on. This feature allows the camera to retain thirty seconds of soundless footage prior to activation.

¹⁵ This is only the second critical incident investigated and adjudicated by this Office wherein relevant BWC footage exists.

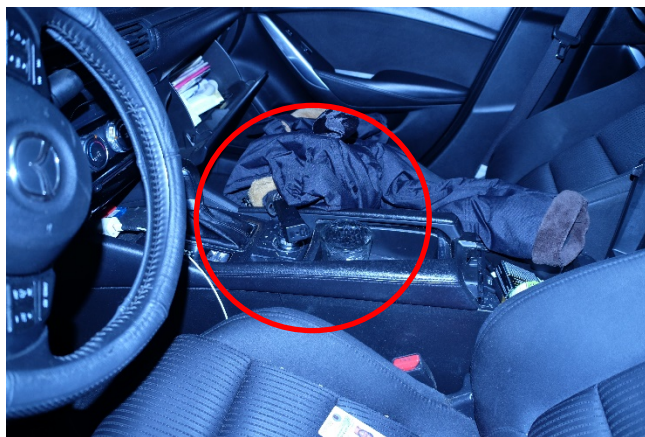
¹⁶ This Office retained PRI to produce a subtitled version of the BWC footage. The PRI version contains transcribed statements to assist the viewer as well as highlighted footage to underscore portions of the video that were particularly relevant to our conclusions. Aside from these digital enhancements, the content has not been manipulated. All BWC video will be made publicly available upon release of this report.

- Scene photographs and diagrams;
- Investigatory reports including the statements of Officer Josue Garriga and Officer Kristopher Graham;
- Police communications and related calls;
- Autopsy Report written by Dr. Brittany Glad, Associate Medical Examiner;
- Expert analysis conducted by Seth Stoughton.

JSO Crime Scene Unit detectives responded to the scene, photographed the scene, and collected evidence from the scene.

1. Firearm, Extra Magazine, and Ammunition

JSO detectives photographed the inside and outside of Johnson's car. Johnson's Glock 26 was located inside the car near the center console, partially removed from the inside pocket of the jacket, with the pistol grip and magazine exposed. During the struggle, the jacket and firearm were moved from their original position, which was on the floorboard, onto the passenger's seat and partially across the center console. The firearm was loaded with 31 rounds in an extended magazine. The chamber was empty, but a live round was located on the passenger's seat where the struggle had occurred. A second fully loaded magazine was located in the glove compartment, along with the receipt for the purchase of the firearm.



2. BWC Footage and Firearm

BWC footage from Officer Garriga's camera captured the interior of Johnson's car at the beginning of the traffic stop, depicting the center console without a firearm on it. BWC footage from backup units securing the car captured the interior of the car immediately after the shooting. This footage captured Johnson's loaded gun on the center console. These BWC captures are significant for they corroborate Officer Garriga's contemporaneous scene exclamation that Johnson "tried to pull a gun on [him]" as well as his subsequent written statement that he and Johnson were fighting over the gun while inside Johnson's car. Johnson's quick response that he was "ready to give up" and his statement that his hands were "off it" further corroborate Officer Garriga's statement.



3. Marijuana

Additionally, over 200 grams of marijuana were found in a grocery bag on the rear passenger side floorboard. The amount of marijuana inside Johnson's car was nearly ten times the felony amount. A digital scale was found inside Johnson's car, evidence that the marijuana was not merely for personal use, but rather to sell.¹⁷

¹⁷ It is a felony of the third degree to unlawfully possess cannabis with the intent to sell or deliver. § 893.13(1)(a)2, Fla. Stat. (2019). The offense is elevated to a felony of the second degree if, during the commission of the felony, the offender carries, displays, uses, threatens or attempts to use a firearm. § 893.13(1)(a)2; 775.087(1), Fla. Stat. (2019).



I. Expert Opinion

This Office retained the services of Seth Stoughton (“Stoughton”), Associate Professor at University of South Carolina School of Law, to evaluate this shooting. Stoughton is an expert in the field of policing, including the use of force, police tactics, BWC usage, and industry practices and standards.

At the request of this Office, Stoughton reviewed the events related to the interaction between Johnson and Officer Garriga. Stoughton reviewed the police reports and the BWC footage. Stoughton’s review resulted in the following three expert opinions: 1) Officer Garriga’s tactics prior to the shooting were reasonable and consistent with generally accepted police practices; 2) the available evidence supports the conclusion that Johnson reasonably appeared to present an imminent threat of death or serious bodily injury, and thus that Officer Garriga’s decision to shoot was consistent with generally accepted police practices; and 3) the officer’s actions after the shooting were reasonable and consistent with generally accepted police practices. As stated in Stoughton’s report, “[o]fficers must first stabilize and secure the scene to prevent additional harm and then render what can be life-saving aid to injured individuals.”

Stoughton concluded that the available evidence supported the conclusion that Johnson reasonably appeared to present an imminent threat of death or serious bodily injury to Officer Garriga. Additionally, Officer Garriga’s decision to shoot was consistent with generally accepted police practices. Stoughton opined that the available evidence supports the conclusion that Officer Garriga could have reasonably believed that Johnson had the ability, opportunity, and apparent intention to kill or seriously injure him. Stoughton’s expert reports, which also outline his background and qualifications, have been incorporated as part of the State Attorney casefile.

J. Medical Examiner’s Findings

Dr. Brittany Glad, Associate Medical Examiner for District Four, conducted an autopsy on Johnson, who suffered the following four gunshot wounds during the incident: a gunshot wound to the left side of the chest; a gunshot wound to the left side of the back; a gunshot wound on the posterior aspect of the right elbow; and a gunshot wound on the anterior and lateral aspects of

the right hip. The two gunshot wounds to the torso caused Johnson's death. A toxicological screening revealed the presence of caffeine and THC (marijuana) in Johnson's blood.

K. Statements of Witnesses

The witness statements are detailed below.

On December 14, 2019, JSO officers conducted a thorough canvass of the area surrounding the location of the officer-involved shooting. Other than Adrian Ousley, no witnesses from the canvass reported that they had observed the events leading up to the incident or the shooting itself.¹⁸ Some, however, were ear-witnesses to the incident. All canvass interviews were recorded on BWC and are included in the State Attorney casefile, and available for review.

Counsel for Johnson's family subsequently provided the State Attorney's Office a list of eight potential witnesses, five of whom had previously been contacted by law enforcement during the canvass on December 14, 2019. Of the names on the list, Keonna Melton, Kendra Williams, Adrian Ousley, John Henry, and Kevin Haynes had already spoken with law enforcement on the night of the shooting. Billy Gaines, Amos Harvey, and a person identified as "Choo" were also listed. JSO Homicide Unit Detective Ronald Brooks ("Detective Brooks") subsequently interviewed each of them.

On March 4, 2020, Detective Brooks interviewed Kevin Haynes ("Haynes"). During the interview, Haynes advised that Johnson was his first cousin and that Johnson had come to visit Haynes while Haynes was at a friend's house nearby. Haynes stated that he heard gunshots in the area within five minutes of Johnson leaving. In this interview, Haynes never stated that he witnessed the shooting. Later, it was requested that the State interview Haynes again. During this third contact, Haynes advised that he did in fact witness the shooting but described a series of events that are refuted by the BWC footage.

Officer Graham provided a statement and Officer Garriga, through counsel, provided a written statement.

All the witness statements, including relevant statements from the BWC footage, are addressed in greater detail below:

1. Officer Kristopher Graham

On December 14, 2019, Officer Graham provided a statement, at Baptist Hospital, to Detective Margaret Rhatigan of the Cold Case Homicide Unit.¹⁹ The following is a summary of his statement: Officer Graham was assigned to the Community Problem Response Unit and was present for the officer-involved shooting incident on December 14, 2019. His unit was assigned

¹⁸ The following individuals spoke with officers during the canvass: Marcia Williams; Lisa Crumedy; Lavondria St. Louis; John Henry; Mike Raines; Kevin Haynes; and Barbara Fort.

¹⁹ The Cold Case Homicide Unit also handles officer-involved shooting investigations.

to conduct proactive patrol in the area of 21st Street due to a recent spike in violent crime in the area. Officer Graham reported hearing Officer Garriga log out on an on-view traffic stop in the area of 21st Street and Buckman Street. Officer Graham drove to that location to assist Officer Garriga.

Upon arrival, he observed Officer Garriga standing at the driver's door of a stopped vehicle speaking to Johnson. Officer Garriga had Johnson step out of the car at which time Johnson told Officer Garriga that there was a gun in the car. Officer Graham heard Officer Garriga tell Johnson that he was going to place him in the backseat of Officer Garriga's patrol car. Officer Graham saw Johnson attempt to grab his driver's license from the top of the car. Officer Garriga told Johnson to leave it there. Officer Graham stated Johnson tensed his body, pushed Officer Garriga away from him, and jumped back into his vehicle. Both officers then attempted to grab Johnson and pull him from the vehicle. Officer Graham stated Officer Garriga was fighting to gain control of Johnson's hands because Johnson was reaching to the area of his car where he had just indicated he had a gun.

During the course of the struggle, Officer Graham heard the car's engine revving and the car began driving south on Buckman Street. Officer Graham fell from the moving car, while still hanging out of the open driver's door. The car crashed through a fence and came to a halting stop in a yard. When the car came to a stop, Officer Graham observed Officer Garriga and Johnson still struggling in the front seat.

Officer Graham ran to the car and tried to gain entry from the passenger's side, but the doors were locked. Officer Graham attempted to gain entry into the car by breaking the passenger window with his bare hand. Officer Graham then heard several gunshots, so he ran to the driver's side of the car. Officer Graham observed Officer Garriga standing with his gun drawn while Johnson was on the ground outside of the vehicle. Officer Garriga told Officer Graham that the driver was reaching for his gun. Officer Graham then radioed that shots had been fired. He stated he did not know if Johnson was armed, so he and Officer Garriga held Johnson at gunpoint until other officers could arrive.

Officer Graham stated he did not discharge his firearm and did not hear Johnson make any statements, as the incident evolved quickly. Officer Graham stated he injured his right hand and his upper right arm while being dragged by the car.

2. Officer Josue Garriga

On June 8, 2020, Officer Garriga provided a written statement through counsel, attached as Exhibit C. Officer Garriga stated that he learned Johnson had a firearm in a jacket on the passenger side of the car. Johnson ignored Officer Garriga's commands to walk toward Officer Garriga's patrol car. Instead, Johnson forcibly pushed against Officer Garriga's chest and dove into his own car. Officer Garriga immediately became fearful that Johnson was attempting to

retrieve his gun. Johnson began to forcefully rummage through his jacket while attempting to grab his gun. Johnson placed the car in drive and began to accelerate before crashing. After Johnson crashed the car, he began to lift the gun in the direction of Officer Garriga's face. Officer Garriga was able to push himself out of the car but noticed Johnson moving his body in the direction of Officer Garriga. Believing that Johnson was armed, Officer Garriga fired at Johnson until he was no longer a threat.

Officer Garriga's statement is corroborated by the footage from his own body camera as well as Officer Graham's body camera.

3. Adrian Ousley

On December 14, 2019, Adrian Ousley ("Ousley") provided a statement to Detective Glenn Warkentien of the Cold Case Homicide Unit. She was at her home on 3011 Buckman Street when she provided this statement. Ousley stated that she was moving groceries from her car into her home when the incident occurred. She was standing next to her car, parked in the driveway of her home, when she first noticed a car had been stopped by the police. She stated at the time that she noticed only one police car, that the police officer was at the driver's door of the stopped vehicle, and that the driver's door was open. She observed the driver was fidgety, while looking and moving around inside the car.

Ousley then believed she saw the police officer grabbing for the steering wheel of the car and the driver of the car trying to push the officer's arm away. She stated the driver "punched the gas" and the car took off. Ousley believed the car was going to hit another car parked in the street. She advised that it looked like the police officer was being dragged by the car. In fear for her safety, Ousley stated she ran inside her home. Once inside, she heard gunshots but did not see the shooting. Prior to running inside her home, she said there was no one else outside on the street who would have seen the incident.

4. Keonna Melton and Kendra Williams

On December 14, 2019, Detective Tracy Stapp of the Cold Case Homicide Unit interviewed Keonna Melton ("Melton") and her mother, Kendra Williams ("Williams"). The two reside at 1705 East 20th Street, the home where Johnson's car crashed and the shooting took place.

Melton stated she had just sat down on the couch to take a nap when she heard a loud boom and felt the house shake. She then ran to her mother's bedroom and when she and her mother were walking to the front door to investigate, they heard three to four gunshots. The two returned to the bedroom and got on the floor until they believed it was safe.

Williams provided the same version of events and added that only 30-45 seconds had passed between the crash and when they heard the gunshots. Neither witness observed the traffic stop nor did they see the events leading up to the crash or the shooting.

5. Billy Gaines

Billy Gaines (“Gaines”) resides at 1648 East 21st Street. Detective Brooks interviewed Gaines on March 4, 2020. Gaines stated he was not at home at the time of the incident. He provided no additional information regarding any firsthand knowledge of the shooting.

6. Amos Harvey

On March 12, 2020, Detective Brooks interviewed Amos Harvey (“Harvey”) via phone. Harvey stated he was not a witness to the incident and only became aware of the incident upon seeing a mass police presence in the neighborhood. He asked Detective Brooks, “If I had seen that, don’t you think I would have come forward already?” Harvey could not provide any additional information about the incident.

7. “Choo”

After being advised by Johnson’s family’s attorney that a person named “Choo” had potentially witnessed the shooting, an interview was attempted. On March 4, 2020, Detective Brooks contacted a number provided by Johnson’s family’s attorney and asked for Choo. An individual answered the phone and identified himself as Choo’s assistant. The individual stated that Choo was too busy to speak with the detective. When Detective Brooks explained the importance of the issue, the individual stated that he would get Choo on the line. The individual attempted to simulate a phone transfer and, using a different voice, stated, “Beep. This is Choo.”

Detective Brooks asked him if he had witnessed the incident. The individual reverted back to his original voice and stated that police had pulled over a car; when the driver got out of the car, an officer began shooting while the driver was standing at his door with his hands up.²⁰ The individual stated that he was at 21st and Buckman Street at the time of the shooting. He stated that the police car and the stopped car were on the side of the road. Detective Brooks asked the individual if, at the time of the shooting, the officer’s car was directly behind the car that had been pulled over. Choo stated the patrol car was directly behind the stopped car at the time of the shooting—a claim we know is false—and that both cars were on the side of the road. Importantly, in describing the traffic stop and subsequent shooting, the individual did not recount anything about a struggle, the officer being dragged by a car, or the car crashing through a fence—facts that undoubtedly would be recounted by an eyewitness to the traffic stop and subsequent shooting.

Detective Brooks asked if Choo would agree to meet him in person, but Choo advised that he did not want Detective Brooks to come to his home. Choo also refused to meet Detective

²⁰ JSO unsuccessfully attempted to identify Choo using his phone number. Choo’s statements to Detective Brooks—along with the detective’s unsuccessful attempts to identify Choo—are documented in JSO’s third supplemental police report. Other than a last name of Williams and an age of 48 years, “Choo” is the only available information regarding the identity of this witness.

Brooks at the police station, advising Detective Brooks that every time he visits the police station, “they try to put [him] in the crazy house.” He refused to provide his legal name and only provided a last name of Williams and an age of 48 years old. The details of their conversation are documented in Detective Brooks’ supplemental report.

Although “Choo” claimed to have witnessed this shooting incident, his description of the events is refuted by all the other evidence in the case.

8. Kevin Haynes

Kevin Haynes (“Haynes”) is the first cousin of Jamee Johnson. He was interviewed as part of law enforcement’s canvass on December 14, 2019 and denied knowing anything about the shooting. In fact, he asked JSO officers what had happened. This contact, and Haynes’ statements, were captured on BWC and can be viewed [here](#).

Several months later, Haynes’ name was provided by Johnson’s family’s attorney as a witness to the shooting. Detective Brooks contacted Haynes telephonically on March 4, 2020. Haynes did not claim to have seen the shooting but stated that he heard gunshots within five minutes of Johnson leaving his presence. This interview was memorialized in Detective Brooks’ supplemental report and has been included as part of the State Attorney casefile.

At a later date, Haynes advised, through Johnson’s family’s attorney, that he did in fact have information and would be willing to speak with this Office. On June 17, 2020, at 1:00 p.m., during an interview with Chief Investigator Tim Quick (“Chief Investigator Quick”) and Assistant State Attorney Octavius Holliday (“ASA Holliday”) at the State Attorney’s Office, Haynes stated that he and Johnson were cousins and that the families were very close.²¹ Haynes stated that on the evening of the incident, he saw two officers in tactical uniforms with their arms extended, holding what appeared to be firearms.

Haynes stated that two officers had their firearms pointed at a dark silhouette, that the officers appeared to be white, and that the silhouette appeared to be a black male. According to Haynes, the silhouette was facing the officers with his hands up.²² Haynes claimed to have heard more than two but fewer than ten gunshots. Haynes claimed to have lied in his earlier statement to the canvass officer, during which he denied having seen the shooting.

Haynes has recently claimed that he witnessed the shooting. But his description of what he claimed is belied by the BWC footage. We know, unequivocally, that Officer Graham drew his weapon only after shots were fired. We also know that when both officers were drawing

²¹ Haynes stated that Johnson’s father and Haynes’ mother are siblings.

²² According to Haynes, at 5:34 p.m. on December 14, 2019, Haynes posted on Facebook, “I just saw JSO pop someone.” He claimed to have later posted, “I think dude dead.” When Haynes posted on Facebook, he was not aware that his cousin, Johnson, had been shot. When he learned that Johnson had been shot, he deleted the posts. Investigative efforts to locate these posts have been unsuccessful.

down on Johnson, Johnson was not standing, but in fact was on the ground, having already been shot by Officer Garriga. For these reasons, we know that Haynes' claims are not reliable.

9. Joseph Crumedy

On June 18, 2020, at 2:00 p.m., Joseph Crumedy ("Crumedy") spoke with Chief Investigator Quick and ASA Holliday at the State Attorney's Office. Crumedy stated that he was in his yard about 20 to 30 minutes prior to the shooting. While outside, Crumedy heard a loud crash, which drew his attention. About 10 to 15 seconds later, Crumedy heard four gunshots and ducked. While Crumedy did not witness the actual shooting, a few seconds after hearing the gunshots, he observed a single officer with his firearm drawn and his arms extended in a downward position. Crumedy had never previously been interviewed and was unaware of the fact that his wife, Lisa Crumedy, had spoken with officers during the canvass on December 14, 2019.

VII. LEGAL ANALYSIS

It is undisputed that Officer Garriga shot and killed Johnson. Officer Garriga acknowledged, in writing, that he shot Johnson until he was no longer a threat. We must, therefore, determine whether this shooting was justified as defined by Florida law. To answer this question, we must consider "the circumstances by which [Garriga] was surrounded at the time the force was used. The danger need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the circumstances would have believed that the danger could be avoided only through the use of that force." Fla. Std. Jury Instr. (Crim.) 3.6(f) (2019).

In our opinion, given the totality of the circumstances, Officer Garriga reasonably feared that his life was in danger. In his written statement, Officer Garriga described an intense struggle over Johnson's firearm. During the struggle, Johnson crashed his car through a fence, dragging Officer Garriga along with him. After the crash, Johnson continued to place Officer Garriga's life in danger as he lifted the gun toward Officer Garriga's face. Even still, Officer Garriga did not immediately resort to deadly force. Instead, Officer Garriga instinctively concealed his face as Johnson lifted the gun closer. Officer Garriga was able to push himself out of the car, but Johnson moved his body toward Officer Garriga. Believing Johnson was armed, Officer Garriga shot Johnson.

The witness statements and the physical evidence corroborate Officer Garriga's account. Officer Graham stated that after Johnson jumped into his car, both officers attempted to grab Johnson and pull him from the car. Officer Graham stated that Officer Garriga was fighting to gain control of Johnson's hands because Johnson was reaching toward the area of his car where he had just indicated he had a gun. Officer Graham fell from the moving car but observed Officer

Garriga and Johnson as they continued to struggle. And while Ousley was not close enough to observe the intricate details, it appeared to her as if a police officer was being dragged by the car.

The physical evidence and the BWC footage further corroborate Officer Garriga and Officer Graham's recounts of events. The footage establishes that Officer Garriga's initial encounter with Johnson was professional. The fact that Johnson resisted Officer Garriga's attempts to detain him is incontestable. Johnson shoved Officer Garriga's chest so forcefully that it dislodged Officer Garriga's body camera.

Like the accounts of Officer Garriga and Officer Graham, the footage reveals that when Johnson made the perilous decision to dive headfirst into the car toward his concealed gun, Officer Garriga immediately followed in an attempt to prevent Johnson from arming himself. While we will never be certain of Johnson's motive for resisting, we know Johnson was in possession of nearly ten times the felony amount of marijuana along with a concealed handgun for which he did not have a permit. The armed possession of marijuana would have subjected Johnson to considerable criminal penalties.

More than a mere struggle, Officer Garriga closely encountered death when he witnessed Johnson lift his gun toward the direction of Officer Garriga's face. While Officer Garriga's description is the only testimonial evidence that Johnson successfully grabbed the gun, a meticulous review of the BWC footage corroborates even this detail. During the early moments of the stop, the gun was completely concealed in Johnson's jacket, which was visibly located on the floorboard of the passenger seat. Additional body camera footage establishes that immediately after the shooting, the gun—which was now visible—had been moved from its original location on the floorboard, onto the passenger seat and center console of the car.

Officer Garriga's spontaneous statements, uttered without time for reflection, also support Officer Garriga's claim that Johnson had pulled his gun on Officer Garriga. Additionally, Johnson's own statements were captured on the body camera footage and they too corroborate Officer Garriga's description of the incident. After Johnson had been shot, and Officer Garriga yelled that Johnson "tried to grab his gun on me," Johnson immediately responded that he was "ready to give up." When Officer Garriga gave orders not to grab the gun, Johnson quickly responded that his hands were "off it." Johnson then acknowledged that the gun was in the car—information Officer Garriga did not have the moment he was forced to make a split-second decision regarding the use of deadly force.

VIII. CONCLUSION

During the course of a lawful traffic stop, Officer Garriga observed marijuana flakes and an odor of marijuana. Johnson also informed Officer Garriga that he had a Glock 26 firearm illegally concealed in his jacket on the passenger floorboard of the car, which gave Officer Garriga

probable cause to conduct a warrantless search of Johnson's vehicle. As Officer Garriga attempted to escort Johnson to his patrol vehicle, Johnson suddenly pushed Officer Garriga and dove headfirst into the car in what reasonably appeared to be an attempt to gain access to his firearm.

Officer Garriga and Officer Graham followed Johnson into the car in an effort to remove him from the vehicle and separate Johnson from the firearm. Notably, Officer Garriga did not immediately reach for his gun, nor did he immediately resort to deadly force. Instead, Officer Garriga used the least amount of force necessary to prevent Johnson from arming himself. But Johnson resisted police efforts and continued to struggle to gain control of his firearm. Johnson then managed to put the car into drive and accelerate the vehicle toward an occupied home, dragging the officers along with him. The car crashed through a fence and came to a stop in the yard of a nearby residence. As Officer Graham was attempting to enter the car to assist, Officer Garriga fired four gunshots. Officer Garriga quickly exclaimed, "He tried to grab his gun on me."

In *Graham v. Connor*, 490 U.S. 386, 396 (1989), the Supreme Court counseled that the "calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Id.* at 396-97. Even if subsequent investigation showed a suspect was not armed at the time, the officer's use of force may nonetheless be justified. The law does not require omniscience. Instead, before employing deadly force, police "must have sound reason to believe that the suspect poses a serious threat to their safety or the safety of others. Officers need not be absolutely sure, however, of the nature of the threat or the suspect's intent to cause them harm—the Constitution does not require that certitude precede the act of self-protection." *Elliott v. Leavitt*, 99 F.3d 640, 644 (4th Cir. 1996).

Based upon the totality of the evidence and the actions of Johnson, Officer Garriga reasonably believed that his use of deadly force was necessary to prevent death or great bodily harm to himself or his fellow officer. The situation involving Officer Garriga and Johnson was tense, uncertain, and rapidly evolving. Johnson's actions of diving headfirst into the car and reaching for the passenger area were consistent with a deliberate effort to gain access to his gun. Furthermore, the gun and the jacket in which it was concealed were moved from their original location—on the floorboard—to the passenger seat. The gun was partially removed from the jacket pocket and a loose live round, which could have been ejected from the gun during the struggle, was found inside the car. Officer Garriga's written statement further asserts that Johnson lifted the firearm toward Officer Garriga's face.

Our role is to evaluate, review, and pursue criminal charges when the use of deadly force is unjustified. We have conducted a thorough review of the evidence in this matter. Based on

this review, and our review of applicable Florida law, Officer Garriga was justified in shooting Johnson on December 14, 2019. At the time Officer Garriga shot Johnson, he had a reasonable belief, under Florida law, that Johnson posed a deadly threat to him and his fellow officer.

We will take no further action in this matter.



AUTHORIZED USE OF FORCE BY LAW ENFORCEMENT OFFICERS IN FLORIDA



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INTRODUCTION

Today, there are more than 900,000 sworn law enforcement officers serving in the United States.¹ In 2015, law enforcement officers across the country made nearly 11,000,000 arrests.²

Current research shows that over the past three years, law enforcement officers used force resulting in death about 1,000 times per year.³ Police shootings have become public events on a nationwide scale. Improvements and advancements in technology like smart phones, inexpensive surveillance equipment, mounted-car cameras, and officer-worn body cameras provide real-time depictions of law enforcement officers using force when apprehending and interacting with suspects. With the echoing effects of social media, images of these events have become all too prevalent, affecting the full spectrum of our nation's communities, from big, urban cities to small, rural towns. Uses of deadly force in places like Ferguson, MO, North Charleston, SC, Cincinnati, OH, and elsewhere quickly became national media events, have fostered heightened civil unrest, and have garnered significant civil protest and debate.

Against this backdrop, while police work has become increasingly public, police work also has become increasingly more dangerous. According to the FBI's National Press Office, 41 law enforcement officers died from injuries incurred in the line of duty during felonious incidents in 2015. In 2016, 66 officers were slain in the line of duty by criminal suspects, a 61% increase over 2015.⁴ As of June 30, 2017, 23 officers have

¹ National Law Enforcement Officer's Memorial Fund 2017, <http://www.nleomf.org/facts/enforcement/>.

² Criminal Justice Information Services Division, *2015 Crime in the United States, Persons Arrested*, <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/persons-arrested/persons-arrested>.

³ John Sullivan, *Number of Fatal Shootings by Police is Nearly Identical to Last Year*, Wash. Post, July 1, 2017, http://www.washingtonpost.com/investigations/number-of-fatal-shootings-by-police-is-nearly-identical-to-last-year/2017/07/01/98726cc6-5b5f-11e7-9fc6-c7ef4bc58d13_story.html?utm_term=.c5050ed48e85.

⁴ FBI Releases 2016 Preliminary Statistics for Law Enforcement Officers Killed in the Line of Duty, FBI National Press Office, Wash. D.C., May 15, 2017, <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2016-preliminary-statistics-for-law-enforcement-officers-killed-in-the-line-of-duty>.

already been fatally shot this year and several others were killed by other means, including two officers who were beaten to death and one who was stabbed to death.⁵

Florida is one of the five most deadly states in the country for law enforcement officers,⁶ and the Jacksonville area has not been immune. As of July 31, 2017, the Jacksonville Sheriff's Office reported that in the history of policing in our community 60 officers have died in the line of duty with 32 of them killed by gunfire. In recent years, a Clay County Sheriff's Deputy was killed while executing a search warrant, and a Nassau County deputy lost his life trying to apprehend an alien who entered the country illegally. Within recent months, a JSO K-9 officer was shot in the face by a fleeing suspect, and two JSO officers were shot by a suicidal individual.

This paper provides an overview of some of the issues surrounding the use of force by law enforcement officers, including a summary of applicable laws governing the use of permissible force.

CRIMINAL PROSECUTIONS AS A RESULT OF USE OF FORCE BY LAW ENFORCEMENT OFFICERS

Within the criminal justice system, the number of criminal charges resulting from police-shooting deaths is quite small. As of April 20, 2017, a study commissioned by the National Institute of Justice revealed that just 80 police officers had been charged with murder or manslaughter from on-duty shootings since 2005. Of the officers charged, the number actually convicted was even smaller: 28 were convicted, 31 were found not guilty, and the remaining 21 cases were still pending. Nationwide, then, prosecutors criminally charge less than one percent of all officer-involved shootings. Of those charged, judges and juries convict less than half. These figures represent the reality that policing work is dangerous, and prosecutors, courts, and juries are extremely reluctant to substitute hindsight for on-the-spot, split-second decisions.

These statistics are logical, given that our courts have long recognized the dangers inherent in police work and the split-second decision making required by on-scene officers in the line of duty. "[The Constitution] does not require a police officer to wait until a suspect shoots to confirm that a serious threat of harm exists...No citizen

⁵ 2017 *Midyear Officer Fatalities Report*, National Law Enforcement Officers Memorial Fund, www.LawMemorial.org/FatalitiesReport.

⁶ *Id.*

can fairly expect to draw a gun on police without risking tragic consequences. And no court can expect any human being to remain passive in the face of an active threat on his or her life.” *Elliott v. Leavitt*, 99 F.3d 640, 643-644 (4th Cir. 1996). Put differently, “[t]he Constitution simply does not require police to gamble with their lives in the face of a serious threat of harm.” *Id.* at 641. The United States Supreme Court has similarly counseled that “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Graham v. Connor*, 490 U.S. 386, 396 (1989). “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Id.* at 396-97.

Even when subsequent investigation reveals that a suspect was not actually armed at the time, an officer’s use of deadly force may nonetheless be justifiable under the circumstances. The law does not require omniscience. Instead, before employing deadly force, police “must have sound reason to believe that the suspect poses a serious threat to their safety or the safety of others. Officers need not be absolutely sure, however, of the nature of the threat or the suspect’s intent to cause them harm—the Constitution does not require that certitude precede the act of self-protection.” *Elliott v. Leavitt*, 99 F.3d at 644.

LAWFUL USE OF FORCE BY LAW ENFORCEMENT OFFICERS IN FLORIDA

Several relevant Florida Statutes govern the use of force, including deadly force. Some statutes specifically govern the use of force by law enforcement officers in performing typical law enforcement duties, such as making an arrest, preventing escapes, and capturing escaping and fleeing suspects and criminals. Others permit the use of force in self-defense by “a person.” According to one Florida District Court of Appeal, the definition of “a person” includes a law enforcement officer.

A. Section 782.02, Florida Statutes

Section 782.02, Florida Statutes, states, “The use of deadly force is justifiable when a person is resisting any attempt to murder such person or to commit any felony upon him or her.” Fla. Stat. § 782.02 (2017).

B. Section 776.05, Florida Statutes

Section 776.05, Florida Statutes governs the use of force by law enforcement officers when making an arrest. Section 776.05, Florida Statutes, provides that a law enforcement officer need not retreat or desist from making an arrest because a person resists or threatens to resist an arrest.

Pursuant to Section 776.05, Florida Statutes, a law enforcement officer is justified in using any force: ⁷

- (1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;
- (2) When necessarily committed in retaking felons who have escaped; or
- (3) When necessarily committed in arresting felons fleeing from justice. ⁸

⁷ The statute also allows the same use of force by a person summoned or directed by a LEO to assist him.

⁸ Section 776.05(3), Florida Statutes has a caveat applicable when an officer uses *deadly force* to stop a fleeing felon. Subsection (3) provides that an officer may be liable in a civil action for damages if he uses deadly force to capture a fleeing felon unless the use of deadly force was necessary to prevent the fleeing felon from eluding arrest, some warning had been given (e.g. “stop or I will shoot”) when feasible, and:

(a) The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or

(b) The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

See also *Tennessee v. Garner*, 471 U.S. 1, 11 (1985) (noting that “[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape [of a fleeing felon] by using deadly force.”) Florida’s statutory language regarding use of deadly force against a fleeing felon is consistent with the United States Supreme Courts’ decision in *Garner*. *Id.* at 11-12

Overarching Section 776.05, Florida Statutes, is the principle that, to be justifiable, the force used to make an arrest must be reasonably necessary under the circumstances. See *Cobb v. State*, 376 So.2d 230 (Fla. 1979).⁹

C. Section 776.051(2), Florida Statutes

Section 776.051(2), Florida Statutes, provides that a law enforcement officer is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by the officer to be unlawful.

D. Section 776.06, Florida Statutes

Section 776.06, Florida Statutes, defines “deadly force” for law enforcement and correctional officers acting in the course and scope of their official duties.¹⁰ Section 776.06(3), provides that a police or correctional officer is not liable in any civil or criminal action if he or she use non-lethal munitions in good faith during and within the scope of his or her official duties.

⁹ Section 775.05, is not a self-defense statute. Instead, it sets the parameters for using force when making an arrest, including any force necessary to protect the officer from bodily harm.

¹⁰ Section 776.06(1), Florida Statutes, provides that, as applied to a law enforcement or correctional officer acting in the performance of their official duties, the term “deadly force” means force that is likely to cause death or great bodily harm and includes, but is not limited to: (a) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and (b) The firing of a firearm at a vehicle in which the person to be arrested is riding. The firing of non-lethal munition, in the scope of one’s official duties, is specifically excluded from the definition of deadly force. The statute defines non-lethal munition as a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.

E. *Section 776.07, Florida Statutes*

Section 776.07, Florida Statutes, governs the use of force by law enforcement and correctional officers to prevent the escape of a person in custody. Subsection (1) provides that a law enforcement officer or other person who has an arrested person in his or her custody, is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. Subsection (2) provides that a correctional officer or other law enforcement officer is justified in the use of force, including deadly force, to prevent escape from a penal institution if the officer reasonably believes the person is lawfully detained, under sentence for an offense, or awaiting trial or commitment for an offense.

F. *Section 776.012, Florida Statutes*

Section 776.012, Florida Statutes, allows for the use of both non-deadly and deadly force in “self-defense.” This part of Chapter 776, Florida Statutes, is one of the four core statutes that form Florida’s Stand Your Ground law.¹¹

Section 776.012 generally applies to the use of force in defense of self or others in places like streets, parking lots, roadways, or other public places.¹² A person who uses force in accordance with this statute is immune from arrest, criminal prosecution, and civil liability. Fla. Stat. § 776.032 (2017).

¹¹ The four statutes that form Florida’s Stand Your Ground law are sections 776.012, 776.013, 776.031 and 776.032, Florida Statutes. Florida’s Stand Your Ground law has two components. One is the justifiable use of force portion (Section 776.012, 776.013 and 776.031) and the second is the immunity component found in Section 776.032, Florida Statutes.

¹² Section 776.013 governs the use of force in one’s dwelling, residence or occupied vehicle. Likewise, Section 776.031 governs the use of force in defense of property. These statutes would typically not come into play when law enforcement officers use force in the line of duty. Accordingly, it will not be discussed in this paper.

Section 776.012, Florida Statutes, provides that:

(1) A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.

(2) A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony.¹³ A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.¹⁴

When considering whether any use of force was justifiable, the law does not require the danger be real, just that the danger appear so. If a criminal defendant goes to trial and raises the issue of self-defense, the jury is instructed: "In deciding whether [a person] was justified in the use of deadly force, you must consider the circumstances

¹³ Forcible felonies are "treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual." Fla. Stat. § 776.08 (2017).

¹⁴ A person engaged in a criminal activity may, in some circumstances, still lawfully act in self-defense if he reasonably believes that such force is necessary to prevent death or great bodily harm from being inflicted upon him. A person engaged in a criminal activity does, however, have the duty to retreat, if he can safely do so, before using deadly force in self-defense.

by which he or she was surrounded at the time the force was used. The danger need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, [the person] must have actually believed that the danger was real.” Fla. Std. Jury Instrs. in Crim. Cases 3.6(f) (2017).

Two district courts of appeal have addressed whether a police officer, acting within the course and scope of his or her legal duties, may assert criminal and civil immunity under Florida’s Stand Your Ground law. The Second District Court of Appeal has ruled that a police officer, assisting in an arrest, was not entitled to immunity under the “more lenient immunity standard” set forth in Florida’s Stand Your Ground law because a more specific statute, Section 776.05, governs the use of force when making an arrest. *State v. Caamano*, 105 So.3d 18 (Fla. 2d DCA 2012).

The Fourth District Court of Appeal in *State v. Peraza*, --- So.3d ---- 2017 WL 3730352 (Fla. 4th DCA 2017), came to the opposite conclusion. In *Peraza*, the Court ruled that a police officer is entitled to criminal and civil immunity under Florida’s Stand Your Ground law if he or she uses force permitted by Section 776.012, Florida Statutes.

The Court noted that Section 776.032 grants absolute immunity to “a person” who uses force permitted by Section 776.012, Florida Statutes. The Court concluded that “a person” includes a law enforcement officer acting within the scope of his official duties because a law enforcement officer, under any reasonable interpretation of the language in the statute qualifies as “a person”. *Peraza*, at * 8.

The conflict in the decisions between these two district courts of appeal in *Caamano* and *Peraza* means the Florida Supreme Court will likely be asked to settle the conflict. Resolution of the conflict is important because Section 776.05, Florida Statutes, does not grant absolute criminal and civil immunity to an officer who acts lawfully in accord with that statute. Instead, a law enforcement officer who uses force permitted by Section 776.05, Florida Statutes, is only entitled to “qualified immunity.” This means that an officer sued in civil court may assert the justifiable use of force pursuant

to this statute as an affirmative defense. This also means that an officer would not be entitled to dismissal, as a matter of law, when material facts are disputed. Instead, he or she would have to submit the defense to a jury.

If the Florida Supreme Court ultimately sides with the Fourth District Court of Appeal in *Peraza*, police officers would be entitled to dismissal of a civil suit, as a matter of law, if a trial judge determines that the officer used force authorized by Section 776.012. This would be so, even if material facts were disputed; it would be up to the trial judge to resolve them as it does now in a criminal case. *See generally Dennis v. State*, 51 So.3d 456 (Fla. 2010)(when a criminal defendant files a motion to dismiss on the basis of the “Stand Your Ground” statute, the trial court should conduct a pretrial evidentiary hearing and decide the factual question of the applicability of the statutory immunity). Likewise, police officers would have absolute immunity from criminal prosecution pursuant to Section 775.032, Florida Statutes, just as any other citizen does now, if the officer uses non-deadly or deadly force permitted by Section 776.012, Florida Statutes.

CONCLUSION

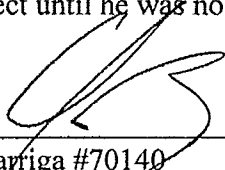
Whenever law enforcement officers don their uniforms and report for duty, they do so understanding that they may have to use force—even deadly force—to do their job. Likewise, on a daily basis, law enforcement officers are exposed to the very real threat that they will encounter a violent criminal who may try to injure or kill them. Understanding the inherent risks officers face in the performance of their duties, the Florida legislature and Florida Courts, as described above, have provided legal protection to officers who use reasonably necessary force in the lawful performance of their duties. Similarly, understanding the need to provide protections to its citizens, the Florida legislature has enacted laws that protect citizens against the unreasonable use of force by law enforcement officers. Ultimately, through these use of force laws, the Florida legislature has established a legal foundation and framework that recognize the difficult challenges facing law enforcement, the protection of citizens from unnecessary and unreasonable uses of force, and the integrity of our criminal justice system.

Statement of J. Garriga #70140

Please rely on the footage captured on body worn camera as it relates to my involvement in this case. I realize my camera failed to capture my interactions with the suspect once he knocked my camera off and I am voluntarily providing this statement to supplement my body worn camera footage.

After interacting with the suspect on a traffic stop, I learned he had a firearm in a jacket located on the passenger side of the vehicle. Ignoring my commands to walk towards my JSO vehicle, the suspect forcefully pushed against my chest and dove into his vehicle. I was in immediate fear he was attempting to retrieve his firearm. I dove inside of the vehicle behind the suspect to keep him from obtaining the firearm. The suspect was forcibly digging through his jacket attempting to find his firearm. He briefly stopped attempting to grab his firearm, reached back and placed the vehicle in drive. I heard the vehicle engine and the vehicle began accelerating forward. The suspect immediately reached back towards his jacket and got his right hand around the handle of his firearm. At some point I felt the vehicle crash through the wooden fence and felt broken wooden boards strike my shins.

The suspect began lifting the firearm in the direction of my face. In fear of being shot in the face or upper torso, I attempted to conceal my face behind the suspect's head to prevent from being shot. While doing this I attempted to remove my issued firearm from the holster, but it was pinned in between the suspect's body and driver seat. During the physical struggle, I was able to grab the right wrist of the driver, which the handgun was still in, and was able to push myself out of the vehicle. As I exited, I observed the suspect moving his body in my direction and I believed he still had the gun in his possession. Fearing for my life I fired my issued firearm at the suspect until he was no longer a threat.


J. Garriga #70140

70140

Officer Involved Shooting Review Team

Dave Bisplinghoff

Dave Bisplinghoff has spent more than 30 years in law enforcement, including over five years with the State Attorney's Office. He currently serves as an investigator in the Special Prosecution Division. Prior to joining the State Attorney's Office, he served 25 years with the Jacksonville Sheriff's Office, where he was assigned to the Narcotics & Organized Crime Unit and the Integrity/Special Investigations Unit. He's also served as a member of the DEA Task Force and the FBI Civil Rights Task Force.

Bisplinghoff has been involved with a number Civil Rights Investigations. In 1999, he served as the lead detective in the *U.S. vs Karl Waldon* case, the first federal death penalty case in the state of Florida. This federal civil rights investigation involved JSO Officers Karl Waldon, Jason Pough, and Aric Sinclair. The officers were charged with crimes ranging from Civil Rights violations to home invasion robbery. In 2005, Bisplinghoff led a case in which a Duval County Jail inmate was beaten by Correctional Officers. These officers were charged with Civil Rights Violations and subsequently pled guilty in Federal Court.

Mark Caliel

Mark Caliel is a graduate of the University of Arizona, where he received a bachelor's degree in public administration, specializing in criminal justice. Following graduation, he attended law school at Florida State University and received his Juris Doctor in December 1996.

Since March 1997, Caliel has been an assistant state attorney in Jacksonville and currently serves as the director of Targeted Prosecution. During his tenure with the State Attorney's Office, he has been lead counsel in 100 jury trials and specializes in homicide and violent crime prosecution. Caliel has distinguished himself throughout his career and received numerous honors, including the State Attorney's Office Rookie of the Year Award in 1998, the State Attorney's Office Distinguished Service Award in 2007, and the Mayor's Judicial Victim Advocate Award in 2012.

Additionally, Caliel has been a member of the Florida Bar Criminal Procedure Rules Committee and served as chair of the committee in 2012-13. He also lectures on criminal trial practice at law schools and continuing legal education programs.

Jay Farhat

Jay Farhat is a Jacksonville native with 30 years of diverse law enforcement experience. Farhat graduated from Florida State University in 1990 with a Bachelor of Science in political science and government, after attending Imperial College in London as a U.S. Student Ambassador to the British Parliament.

Farhat returned to Jacksonville and worked in a wide variety of specialty areas ranging from patrol and special events to senior leadership positions at the Jacksonville Sheriff's Office and

the Office of the State Attorney. He was appointed to the State Attorney's Office as a Special Investigator and led investigations in the Major Crimes Unit, Special Prosecution, and the Federal Joint Terrorism Task Force. Farhat retired from the Jacksonville Sheriff's Office as a senior supervisor of the Homicide Unit and began his career in health care in 2017. He is currently the Executive Director of Safety & Security for the Baptist Health System overseeing all safety, security, and emergency management for the health system.

Farhat has served in numerous nonprofit positions including on the boards of the Rotary Club of San Marco, Jacksonville Youth Sanctuary, Duval County School Advisory Board, and the Catholic Charities, and currently for the Dioceses of St. Augustine and First Coast Crime Stoppers. He is also a member of the Federal Bureau of Investigation InfraGard and the International Association of Homicide Investigators.

Garrett Hill

Garrett Hill graduated *summa cum laude* from Faulkner University in 2007 with a major in legal studies. He received his law degree with honors from Florida State University in 2010. At FSU, Hill was a two-time recipient of the University Fellowship Award, an exclusive award granted to select graduate level students from across the university. Hill was also a member of the Florida State University College of Law Moot Court team.

Hill joined the State Attorney's Office in 2010. As an assistant state attorney, Hill has tried over 70 jury trials. Hill has served as a member of the office's homicide rotation since 2013 and is also a member of the officer-involved shooting rotation. Hill currently serves on the office's homicide training committee and has previously participated on the attorney hiring committee. Hill received the State Attorney's Office Trial Award in 2013.

Octavius Holliday Jr.

Octavius Holliday currently serves as division Chief of the Human Rights section of the Special Prosecution Division for Florida's Fourth Judicial Circuit State Attorney's Office. Holliday oversees crimes against vulnerable populations, such as victims of human trafficking and police brutality. He received his Bachelor of Arts from Duke University before earning his Juris Doctor at the University of Florida in 2002.

Holliday started at the State Attorney's Office in March 2003 before starting his own legal practice, *The Holliday Law Firm*, in September 2012. His firm handled mostly felony criminal defense cases. He returned to the State Attorney's Office in January 2017. Holliday has tried roughly 50 jury trials as both an assistant state attorney and a defense attorney; those include 10 homicide cases as an assistant state attorney.

Holliday previously served as President of the D.W. Perkins Bar Association and a member of Leadership Jacksonville 2017. His affiliations include Omega Psi Phi Fraternity, the 100 Black Men of Jacksonville, the Jacksonville Urban League, the Jacksonville Bar Association, and the D.W. Perkins Bar Association.

Chris Huband

Chris Huband was born and raised in Jacksonville, where he graduated from the University of North Florida in 2010. In 2013, Huband graduated *Cum Laude* from the Florida Coastal School of Law, where he was a member of the Law Review and obtained an Advanced Research and Writing Certificate. During his time at Florida Coastal, Huband earned several book awards for obtaining the highest grade in a course and received the Dean's Merit Scholarship for academic achievement after his first year. Huband began working with the State Attorney's Office as an undergraduate intern in 2009 and earned pro bono honors for his extensive efforts as a Certified Legal Intern during the spring semester of 2013.

Huband began his career as a prosecutor with the State Attorney's Office in August 2013. In 2014, his first full year in the office, Huband won the Rookie of the Year Award, followed by the State Attorney Award for exceptional effort and diligence in 2018. During his time with the office, Huband has handled a wide variety of matters including a complex RICO (Racketeer Influenced and Corrupt Organizations Act) prosecution and cases involving the death penalty. He has tried over 50 cases to verdict. In addition to his responsibilities handling officer-involved shootings, Huband serves as a division chief in the Targeted Prosecution division. In that capacity, he maintains a full homicide caseload and specializes in the prosecution of the area's most violent offenders. His efforts outside of the office have included attendance at monthly Sheriff's Watch meetings as well as ongoing engagement with Duval County Public Schools.

L.E. Hutton

L.E. Hutton returned to the State Attorney's Office in January 2017 after a distinguished career in the private sector. He currently serves as Chief Assistant State Attorney. Hutton began his legal career in 1998 as an Assistant State Attorney and prosecuted homicides, white collar crimes, drug-related violations, and violent felonies. He was appointed to the Special Prosecution Unit. He earned both his bachelor's degree in political science and law degree from the University of Florida.

In 2001, he joined the law firm of Willis, Ferebee, & Hutton, as a partner, to continue his career in criminal law at the state and federal levels. During his almost 16 years with the firm, Hutton took on a variety of cases, including complex white-collar trials in federal court, state and federal grand jury investigations, and capital murder cases. His efforts outside of the office have included serving as a member of the Grievance Committee for the United States District Court for the Middle District of Florida, and serving as chair of the City of Jacksonville's Ethics Commission. As Chief Assistant, Hutton supervises operations in Clay and Nassau counties, and oversees Duval County Court, the Juvenile Division, and Investigative Division.

Joe Licandro

Joe Licandro has served as an assistant state attorney with the Fourth Judicial Circuit for almost 13 years. He is currently the deputy director to the Special Prosecution Division, where he supervises a team of attorneys who handle a multitude of complex fraud and proactive narcotics investigations. Licandro is also the lead prosecutor for the State Attorney's Office Narcotics

Homicide Overdose Team.

Licandro has been a member of the State Attorney's Office homicide unit for three years and has served on the Officer-Involved Shooting Panel since 2019. He is also a standing member of the Fourth Judicial Circuit's Brady/Giglio team. During his tenure at the State Attorney's Office, he has tried 66 jury trials ranging from narcotics trafficking to fraud to homicide. Licandro received his undergraduate degree in Political Science from the University of Notre Dame in 2004 and Juris Doctor from the University of Florida Levin College of Law in 2007.

Lara Mattina

Lara Mattina is the director of Circuit Court, and she is the first woman to serve in this position. Mattina graduated magna cum laude from Wellesley College in 2001 with a major in English. She received her law degree from Boston College Law School in 2005, where she was honored as the Susan Grant Desmarais Award recipient, an annual award given to one student for outstanding work in clinical programs. In law school, Mattina also received the first fellowship in the Leadership Education in Neurodevelopmental Disabilities Program at Boston Children's Hospital, a multidisciplinary program that advocates for children with disabilities.

Mattina has served as an assistant state attorney for eight years. In addition to her supervisory duties, she is a member of both the homicide rotation and the Officer-Involved Shooting Review Panel, co-chairs the Diversity, Inclusion and Outreach Committee, and oversees the implementations of the strategic plan and the office's mission statement that she drafted as chair of the Mission Statement & Morale Committee. She previously served as a Special Victim's Unit Division Chief and Circuit Court Division Chief. She was awarded "Rookie of the Year" in 2008, and was honored by Mothers Against Drunk Driving with the Bob Conner Memorial Award in 2010. Mattina is a graduate of the Leadership Jacksonville, Class of 2020. Additionally, she is a barrister in the Chester Bedell American Inn of Court and is a member of the Jacksonville Women Lawyers Association.

Outside of her legal career, Mattina is a committed advocate for deaf and hard-of-hearing children. She advocates in support of auditory oral education and early intervention services for deaf children and serves as a member of the Leadership Council for the Clarke School for Hearing and Speech Jacksonville.

Alan Mizrahi

Alan Mizrahi currently serves as the director of Homicide and Violent Crime for Florida's Fourth Judicial Circuit State Attorney's Office. He graduated from the University of Florida with a bachelor's degree in psychology before earning his Juris Doctor from the University of Miami. Mizrahi first started with the State Attorney's Office in 1997 and left briefly to join the general litigation firm Milton, Leach, P.A. in Jacksonville.

Mizrahi returned to the State Attorney's Office in 2004 and became a Division Chief in 2005. In 2007, he was named the Special Assault Unit's Division Chief and then became the Division's

director in 2010. Mizrahi has been on the homicide rotation sporadically since 2000.

T.C. O'Steen

T.C. O'Steen served for 30 years with the Jacksonville Sheriff's Office, with over 20 of those years as a detective. During that time O'Steen worked sex crimes, robberies, homicides, intelligence, and in the Integrity Unit. He spent more than six years in the Homicide Unit and handled numerous officer-involved shootings. He later served in the JSO Intelligence Unit for 10 years as the homicide liaison investigating high-profile cases. While in Intelligence, he was also responsible for investigating hate crimes and for identifying and monitoring local subversive groups. After working Intelligence, O'Steen was transferred to the JSO Integrity Unit where he worked handling criminal complaints on officers and employees of JSO. He retired from the sheriff's office in August 2006 and was hired as an Investigator with the State Attorney's Office. O'Steen has worked in the Homicide Violent Crime Unit for the State Attorney's Office for almost 14 years assisting attorneys with many high-profile homicide cases.

Tim Quick

Tim Quick served 28 years as a Special Agent with the Naval Criminal Investigative Service (NCIS) and retired in December 2016 as the Special Agent in Charge of the Norfolk Field Office. During the course of his career, Quick served for three years in cold case homicides at an office co-located with the State Attorney's Office, Fourth Judicial Circuit. Quick was assigned as the case agent on various homicide investigations during the course of his NCIS career. Quick currently serves as the Fourth Circuit State Attorney's Offices Chief Investigator. Quick is the office's senior law enforcement liaison and oversees a team of talented investigators who are integral in the office's mission.

Quick earned his undergraduate degree from Southern Illinois University and his master's degree from Liberty University. He began his law enforcement career in 1983 as a deputy sheriff with the Jefferson County (Illinois) Sheriff's Department.

Tim Reddish

Tim Reddish served 32 Years with the Jacksonville Sheriff's Office (JSO), and retired as a sergeant in 2013. While employed with JSO, Reddish served in numerous capacities including patrol officer, traffic officer, burglary detective, narcotics detective and homicide detective. While in Narcotics, Reddish was assigned to the Major Case Squad where he served several years with a joint DEA and FBI OCDETF Task Force. He was also assigned to the U.S. Marshals Office's Fugitive Investigative Strike Team (FIST). During his time in the Homicide Division, in conjunction with investigating other homicides, he was assigned to the Officer-Involved Shooting Response Team. This team preceded the current Cold Case Team, which is now is responsible for investigating officer-involved shooting incidents. While in this capacity he was the lead investigator for several officer-involved shooting incidents, and assisted with numerous other police-involved shooting incidents as investigative support. Reddish currently serves as the Fourth Circuit's Assistant Chief Investigator and is also assigned to the Homicide and Special Prosecution Divisions.

Stephen Siegel

Stephen Siegel has spent his legal career serving the people of the Fourth Judicial Circuit in a variety of roles before being named First Assistant in January 2017. He joined the State Attorney's Office in 1995 and earned certification from the Florida Bar in Criminal Trial Law in 2004. During his tenure with the office, he has served as a division chief in both Circuit Court and County Court. His career with the office also includes being named a division chief in the office's Special Prosecution Division, where he was responsible for investigating and prosecuting public corruption cases. He initiated investigations and cases for prosecution that included charges against local law enforcement officers for official misconduct and unlawful compensation, as well as allegations of excessive force. As first assistant, Siegel is responsible for overseeing the legal division, business operations, information technology, human resources, and office administration. He graduated from the Washington and Lee University School of Law, where he served as chairman of the Moot Court Board, and received a Bachelor's of Science degree from the University of Louisville.

Richard Trew

Richard Trew has been a sworn Law Enforcement Officer since 1977. During his investigative career, his duties and responsibilities included being the affiant on state and federal wire taps, investigating RICO cases, conducting numerous undercover operations, developing and managing confidential informants, and organizing narcotic, vice and human trafficking operations. He spent 15 years in the Jacksonville Sheriff's Office Integrity Unit. During that time his duties were investigating criminal misconduct by police officers, excessive use of force, abuse of power, and color of law violations. He also investigated extortion, police impersonators, non-traditional organized criminal groups, murder for hire, arson and human trafficking.

Trew has also served as an investigative liaison with the Florida State Fire Marshal's Office and was assigned as Investigator to the United States Attorney's Office. He has been assigned to a Task Force with the Federal Bureau of Investigations and all of his cases have been made under the authority of the United States Marshal. He currently holds a top-secret clearance. In 1982, he was a sworn law enforcement officer with Clay County Sheriff's Department and was involved in an officer-involved shooting as the shooting officer. Since 2008, Trew has investigated human trafficking cases and has successfully indicted over 60 individuals related to human trafficking violations. Trew currently works as an investigator in the State Attorney's Office for Florida's Fourth Judicial Circuit.

Vanessa Wheeler-Sanchez

Assistant State Attorney Vanessa Wheeler-Sanchez graduated *magna cum laude* with undergraduate degrees in political science and international affairs from Florida State University in 2010. She graduated *cum laude* from Florida State University College of Law in 2013. While in law school, Wheeler-Sanchez worked at the Florida Office of the Attorney General in the State Programs Bureau, General Civil Litigation Division and completed a legal externship at the U.S. Attorney's Office for the Northern District of Florida. On October 1, 2013, Wheeler-Sanchez joined the State Attorney's Office and has since prosecuted a wide range of cases, from

misdemeanors to capital crimes. Wheeler-Sanchez currently serves as Division Chief of the Juvenile Division. She previously handled white collar crime and organized crime in the Special Prosecution Division.